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E.M.Rasheed vs Marthoma Bhavanam

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Court : Kerala Orders

Decided On : Oct-28-2021

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : RFA/732/2008

Appellant : E.M.Rasheed

Respondent : Marthoma Bhavanam

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN THURSDAY, THE 28TH DAY OF OCTOBER 2021 / 6TH KARTHIKA, 1943 AGAINST THE ORDER/JUDGMENT IN OS 61/1993 OF PRINCIPAL SUB COURT, ERNAKULAM APPELLANT/SECOND DEFENDANT: E.M.RASHEED, RIYAS VILLA, C.C-19/2320, MANBIAPURAM ROAD, PALLUTUTHY, KOCHI-16 BY ADVS. SRI.G.P.SHINOD SRI.MANU V. SRI.RAM MOHAN.G. RESPONDENT/S: 1 MARTHOMA BHAVANAM KALAMASSERY.PO., 2 ORDER OF THE HOLY CROSS (ORDO CONONICO- RUM REGULARIUM SANCTAE CRUCIS) (ORC) 3 PATHUMUTHAN, W/O.LATE E.M.HANEEF, KOODATHIL HOUSE, POTTADI LANE,, SRM

ROAD,ERNAKULAM. (DIED) 4 REZZIYA BEEVI@ SUBANA BEEVI, W/O.E.M. HANEEF, KONNOLLY PARAMBU, NEAR ST.JOSEPH MARANA, FINDER, K.K.ROAD, CHEMBUMUKKU, THRIKKAKKARA PO.,(DIED) 5 THAJUDDIN, S/O.E.M.HANEEF, KOODATHIL HOUSE, POTTADI LANE, S.R.M. ROAD, ERNAKULAM 6 M.ALLAVUDDIN, DO.DO. 7 M.HUSSAIN,DO.DO. 8 ASALI, DO.DO. 9 HARIS, DO.DO.(DIED) 10 HASEENA RASHEED,D/O.E.M.HANEEF, MANIORAMA AGENT, K.K.ROAD, CHEMBUMUKKU, THRIKKAKKARA PO. ADDL.11 SANILA,AGED 34 YEARS, W/O. SHAHJAHAN & D/O. IBRAHIM, PUTHIYEDATH HOUSE, PONJASSERRY, PERUMBAVOOR, ERNAKULAM DISTRICT. (THE 9TH RESPONDENT (HARIS) EXPIRED AND HIS LEGAL HEIR IS IMPLEADED AS ADDITIONAL RESPONDENT 11 VIDE ORDER DATED 04.12.2018 IN IA.1/2018) (IT IS RECORDED THAT THE THIRD RESPONDENT (PATHUMUTHAN) EXPIRED AND HER LEGAL REPRESENTATIVES ARE ALREADY IN THE PARTY ARRAY AS RESPONDENTS 5 TO 8 VIDE ORDER DATED 10.10.2018 IN MEMO DATED 02.2.2017) (IT IS RECORDED THAT THE FOURTH RESPONDENT (REZZIYA BEEVI) EXPIRED AND HER LEGAL HEIRS ARE ALREADY IN THE PARTY ARRAY AS RESPONDENTS 5 TO 8, 10 AND 11 VIDE ORDER DATED 26.02.2019 IN MEMO DATED 22.02.2019. R1 & R2 BY ADV. SRI.A.K.JOSE R3, R5, R6,,R7 & R8 BY ADV.SRI.HARISH ABRAHAM R3, R5, R6,,R7 & R8 BY ADV.SRI.V.M.KURIAN R3, R5, R6,,R7 & R8 BY ADV.SMT.TULASI PANICKER R10 BY ADV.SRI.G.SREEKUMAR (CHELUR) ADDL.R11 BY ADV. SRI.S.JAMAL THIS REGULAR FIRST APPEAL HAVING COME UP FOR HEARING ON 28.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The learned counsel for the appellant submitted that there is no instruction from the party concerned. The appeal is of the year 2008. The litigation started in the year

1993. Now twenty eight years elapsed. Hence, the appeal will stand dismissed for non- prosecution. Sd/- P.SOMARAJAN JUDGE SPV

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